



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

AUG - 9 2006

Sylvia Nolde, Treasurer
The Big Tent PAC
3700 Massachusetts Avenue, NW
Suite 108
Washington, DC 20016

RE: MUR 5786
The Big Tent PAC and Sylvia Nolde,
in her official capacity as treasurer

Dear Ms. Nolde:

On August 3, 2006, the Federal Election Commission (the "Commission") found reason to believe The Big Tent PAC and you, in your official capacity as treasurer (the "Committee"), violated 2 U.S.C. § 434(a)(4)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). This finding was based on information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2). The Factual and Legal Analysis, which more fully explains the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office, along with the other information requested below, within 30 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

Please also note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

[REDACTED]

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

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For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact J. Cameron Thurber, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Michael E. Toner
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: The Big Tent PAC and
Sylvia Nolde, in her official capacity as treasurer

MUR: 5786

I. INTRODUCTION

This matter, initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, concerns late and chronic non-reporting during 2004 and 2005 by The Big Tent PAC and Sylvia Nolde, in her official capacity as treasurer ("the Committee"). Other than its 2004 April Quarterly, filed 598 days late, the Committee failed to electronically file its reports from the 2003 Year-End Report through the 2005 Mid-Year Report. For the reasons set forth below, the Commission finds reason to believe that the Committee violated 2 U.S.C. § 434(a)(4)(A).

II. FACTUAL AND LEGAL ANALYSIS

A. Facts

On February 3, 2004, the Committee submitted its 2003 Year-End Report on paper, disclosing \$94,000 in receipts and \$46,854 in disbursements. With this report, the Committee exceeded the threshold for mandatory electronic filing. The Reports Analysis Division ("RAD") sent a "Failure to File an Original Report in Electronic Format" (MS-P) on February 4, 2004, notifying the Committee that the reporting requirement could only be satisfied via an electronic filing

A representative from the Committee, Max Tribble, called RAD on February 20, 2004 in response to the MS-P notice to find out why the Committee would have to file electronically. A RAD analyst explained that the Committee had passed the \$50,000 threshold for mandatory

1 electronic filing with the activity disclosed on its 2003 Year-End Report. The RAD analyst also
2 gave Mr. Tribble information to pass on to the Committee's treasurer in order to obtain an
3 electronic filing password. Nonetheless, the Committee did not electronically resubmit its 2003
4 Year-End Report, and RAD sent the Committee an RQ-7 notice for failure to file that report.
5 Thereafter, the Committee submitted several additional reports on paper that it was required to
6 file electronically.

7 The Commission continued to send MS-P and RQ-7 notices to the Committee stating that
8 it had to file its reports electronically. On September 7, 2005, a RAD analyst tried to call the
9 committee using the phone number on record to find out why the Committee continued to file
10 paper reports. The phone number on record was not a working number, and the RAD analyst
11 was able to reach the treasurer only after some research. The treasurer stated she was surprised
12 to learn the Committee had become a mandatory electronic filer and stated that the
13 Commission's address for the Committee was out of date. The treasurer said that someone from
14 the Committee would contact the Commission shortly concerning what needed to be properly
15 filed with the Commission.

16 The following day, Mr. Tribble, the person who had spoken to a RAD analyst in February
17 of 2004, contacted RAD. An analyst told him again that the Committee met the \$50,000
18 threshold for mandatory electronic filing as of its 2003 Year-End Report and again advised him
19 how to obtain an electronic filing password. The analyst further informed Mr. Tribble that the
20 Committee must electronically file all reports from the 2003 Year-End onward, and also gave
21 him instructions regarding filing an Amended Statement of Organization to update the address.

22 Thereafter, on October 14, 2005, the Committee electronically filed its next report due, its
23 2005 October Quarterly. On November 3, 2005, 598 days late, it electronically filed the 2004

1 April Quarterly report, which it had previously failed to submit to the Commission, either
2 electronically or on paper.

3 Thus, between February 2003 and October 2005, the Committee filed several reports on
4 paper, and failed to file another report altogether.¹ Specifically, the Committee failed to
5 electronically file the following reports: 2003 Year-End, 2004 July Quarterly, 2004 October
6 Quarterly, 2004 30 Day Post-General, 2004 Year-End, and 2005 Mid-Year Reports. These
7 reports still have not been electronically filed. Further, the Committee did not file its 2004 April
8 Quarterly Report, electronically or on paper, until November of 2005, approximately 19 months
9 late.

10 **B. Analysis**

11 Each treasurer of a political committee shall file reports of receipts and disbursements in
12 accordance with 2 U.S.C. § 434(a). In an election year, political committees other than
13 authorized committees of a candidate that file quarterly reports shall file them no later than the
14 15th day after the last day of each calendar quarter, and shall file a post-general report no later
15 than 30 days after the general election. In non-election years, such political committees file a
16 Mid-Year Report and a Year-End Report. 2 U.S.C. § 434(a)(4)(A).

17 Political committees required to file reports with the Commission must electronically file
18 their reports if they have received contributions or have reason to expect to receive contributions
19 aggregating in excess of \$50,000 in any calendar year or if the political committees have made
20 expenditures aggregating in excess of \$50,000 in any calendar year. 11 C.F.R. § 104.18(a)(1)(i)

¹ Seven of the paper reports were required filings. The Committee filed one extraneous paper report, an April 2005 Quarterly Report. The Committee is a quarterly filer and only needed to file a Mid-Year Report (01/01/05-6/30/05) during a non-election year.

1 and (ii). A report that is filed on paper that should have been filed electronically does not satisfy
2 a committee's filing obligations. 11 C.F.R. § 104.18(a)(2). As set forth above, the Committee
3 failed to file timely its 2004 April Quarterly Report, and has failed to file its 2003 Year-End,
4 2004 July Quarterly, 2004 October Quarterly, 2004 30-Day Post-General, 2004 Year-End, and
5 2005 Mid-Year Reports.

6 Therefore, there is reason to believe that The Big Tent Pac and Sylvia Nolde, in her
7 official capacity as treasurer, violated 2 U.S.C. § 434(a)(4)(A).
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